

The Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STRIKE 3 HOLDINGS, LLC, a Delaware
corporation,

Plaintiff,

vs.

JOHN DOE subscriber assigned IP address
73.225.38.130,

Defendant.

Case No.: 2:17-cv-01731-TSZ

**NOTICE OF SUPPLEMENTAL
AUTHORITY**

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Pursuant to Local Rules W.D. Wash. LCR 7(n), counsel for Defendant John Doe subscriber assigned IP address 73.225.38.130 (“Defendant”) hereby submit the recent Ninth Circuit opinion issued by Judge McKeown in *Cobbler Nevada, LLC v Thomas Gonzalez*, No. 17-35041 (9th Cir., 2018). Exhibit 1.

The summary of the opinion is provided below.

The panel affirmed the district court’s dismissal of an action under the Copyright Act, alleging direct and contributory infringement of plaintiff’s copyrights in a film.

Plaintiff alleged unauthorized downloading and distribution of the film through peer-to-peer BitTorrent networks. The panel held that the bare allegation that the defendant was the registered subscriber of an Internet Protocol address associated with infringing activity was insufficient to state a claim for direct or contributory infringement. The panel also held that the district court did not abuse its discretion in awarding attorney’s fees to the defendant under 17 U.S.C. § 505

Respectfully submitted on September 28, 2018

by: /s/ J. Curtis Edmondson

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CERTIFICATE OF SERVICE

I, J. Curtis Edmondson, hereby certify that on September 28, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 28th day of September, 2018.

By: /s/ J. Curtis Edmondson
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